

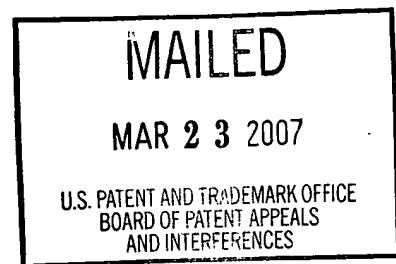
The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT J. MENENDEZ

Appeal No. 2006-3051
Application 10/040,288



Remand to the Examiner

This application was electronically received in at the Board of Patent Appeals and Interferences (BPAI) on August 18, 2006. A Docketing Notice was mailed and Appeal Number 2006-3051 was assigned on September 29, 2006.

A review of the application has revealed that a new Information Disclosure Statement (IDS) was scanned into the electronic file and available for viewing by the Board of Patent Appeals and Interferences on September 19, 2006. It is not apparent from the record that the examiner has considered the statement submitted nor notified applicant of why the submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Application 10/040,288

Accordingly, the application is remanded to the examiner for consideration of this IDS and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:

Patrick J. Nolan
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN/cam

Cardinal Law Group
Suite 2000
1603 Orrington Avenue
Evanston, IL 60201